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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

Estate of JOSHUA CLAYPOLE,  
 deceased, by and through SILVIA  
 GUERSENZVAIG, as Administrator;  
 SILVIA GUERSENZVAIG,

Plaintiff,

vs.

COUNTY OF SAN MATEO;  
 SHERIFF GREG MUNKS, in his  
 individual and official capacity;  
 COUNTY OF MONTEREY;  
 SHERIFF SCOTT MILLER, in his  
 individual and official capacity;  
 SERGEANT E. KAYE, in his  
 individual and official capacity; CITY  
 OF MONTEREY; MONTEREY  
 POLICE DEPARTMENT CHIEF  
 PHILIP PENKO, in his individual and  
 official capacity; BRENT HALL, in his  
 individual and official capacity;  
 CALIFORNIA FORENSIC MEDICAL  
 GROUP; DR. TAYLOR FITHIAN, in  
 his individual and official capacity;  
 COMMUNITY HOSPITAL OF  
 MONTEREY PENINSULA; and  
 DOES 1 through 30,

Defendants.

Case No: CV 14-02730 BLF

[Assigned to the Honorable Beth Labson  
 Freeman - Courtroom 3]

~~PROPOSED~~ **ORDER CONTINUING  
 THE HEARING OF DEFENDANTS  
 CITY OF MONTEREY, CHIEF  
 PHILIP PENKO, AND OFFICER  
 BRENT HALL'S MOTION TO  
 DISMISS COMPLAINT WITHOUT  
 LEAVE TO AMEND UNTIL  
 OCTOBER 2, 2014**

MTD w/o Leave to Amend

Current Date: Sept. 18, 2014  
 Current Time: 9:00 a.m.

Proposed New Date: October 2, 2014  
 Time: 9:00 a.m.

Complaint Filed: June 12, 2014  
**TRIAL DATE: NONE SET**

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12 CITY OF MONTEREY, CHIEF PHILIP PENKO, AND OFFICER BRENT HALL

1 The parties have submitted a joint stipulation, through their respective  
2 counsel, requesting that Defendants City of Monterey, Chief Philip Penko, and  
3 Officer Brent Hall's Motion to Dismiss Complaint without Leave to Amend,  
4 previously set to be heard by this court on September 18, 2014 at 9:00 a.m. be  
5 continued to October 2, 2014 at 9:00 a.m.

6 PURSUANT TO STIPULATION, IT IS SO ORDERED that the hearing of  
7 Defendants City of Monterey, Chief Philip Penko, and Officer Brent Hall's Motion  
8 to Dismiss Complaint without Leave to Amend be continued to October 2, 2014 at  
9 9:00 a.m.

10  
11  
12  
13 Dated: JUDGE



Honorable Beth Labson Freeman  
United States District Judge